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File No. O Public Conveyance
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Legal **DEPARTMENT**

A **BRANCH**

Subject:— Opinions under the Public Conveyances Act, 1920

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Office of the R.L.A.

It appears that Government has decided to announce that after 1st. April 1948 no Cycle rickshaws will be allowed in this Province and the Bombay Public Conveyances (Amendment) Act, 1943 (XVIII of 1943) should be allowed to lapse. The questions raised for the consideration of the R.L.A. are:-

(1) Whether it is possible to prevent cycle rickshaws in any other way; and

(2) Whether it will be possible to refuse licenses for cycle rickshaws even if they are sound and fit.

If the Bombay Public Conveyances (Amendment) Act, 1943 is allowed to lapse, cycle rickshaws would cease to fall within the definition of "Public Conveyance" under section 2(b) of the Bombay Public Conveyances Act, 1920 with the result that they would not be controlled by the Act and could be plied for hire unless they are prevented by a legislation.

The question whether it will be possible to refuse licenses for cycle ~~rickshaws~~ rickshaws even if they are sound and fit is fully considered by the R.L.A. in his opinion No.9520 dated 31.12.1943 wherein it has been held that though the commissioner cannot make a general order refusing licenses to cycle rickshaws one and all, still it will be competent to him to refuse license by considering every application as it is made, on the ground of defects like flimsy structure, slow speed etc. which are inherent in these types of vehicles.

Sd/-

Remembrancer of Legal Affairs.

U.R. to H.D. No.6704, dated the 30th June 1947.

A-Cs.

K.V.V.
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